

(O-88-118)

ORDINANCE NUMBER O- 17026 (NEW SERIES)

ADOPTED ON FEB 16 1988

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6,  
DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTIONS 26.07, 26.07.2 AND 26.07.4  
RELATING TO THE CREATION AND DUTIES OF A  
COMMISSION FOR ARTS AND CULTURE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter 2, Article 6, Division 7, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 26.07, 26.07.2 and 26.07.4 to read as follows:

**SECTION 26.07 COMMISSION FOR ARTS AND CULTURE**

**A. PURPOSE AND INTENT**

It is the purpose and intent of the City Council to establish a Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on promoting, encouraging and increasing support for the arts.

It shall be the responsibility of the Commission for Arts and Culture to make all cultural arts granting recommendations for City funding to the City Council using objective criteria and evaluation panels, as appropriate.

It shall be the responsibility of the Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on projects and programs designed to promote the arts in public places throughout the

neighborhoods of the City of San Diego, and encourage the private sector to include the arts in private developments.

B. COMMISSION FOR ARTS AND CULTURE ESTABLISHED

There is hereby established a Commission for Arts and Culture consisting of fifteen (15) members. Commission members shall be persons who represent the following areas: individual artists, arts organizations, arts patrons, educators, the business community, and the general public.

The members shall serve three (3) year staggered terms for a maximum of six (6) years and each member shall serve until a successor is duly appointed and confirmed. An interval of four (4) years must pass before such persons can be reappointed. The members shall be appointed by the Mayor and confirmed by the City Council, subject to the following conditions: 1) the Mayor shall appoint seven (7) members; and, 2) the Mayor shall appoint the remaining eight (8) members, one each from a list of three (3) nominations submitted by each Councilmember. The members shall be appointed in such a manner that the terms of not more than five (5) members shall expire in any year. The expiration date of all terms shall be March 31. During April of each year, the Mayor may designate one (1) member as chairperson; however, in the absence of such designation, the Commission shall on or after May 15 select from their members a chairperson. The Commission shall meet not less than monthly and report to the Mayor and Council on an as-needed basis, but not less than one time per year.

The Commission shall adopt rules consistent with laws for the government of its business and procedures.

C. DUTIES AND FUNCTIONS

The Commission for Arts and Culture shall:

1. Advocate strongly for a substantial increase in funds for the arts.

2. Recommend to the Mayor, City Council and City Manager all City funding decisions for the arts; directly and exclusively make all granting recommendations to City Council.

3. Explore new sources of funding for the cultural arts and evaluate the current allocation of Transient Occupancy Tax funding as it pertains to the cultural arts.

4. Develop, coordinate and regularly reevaluate a comprehensive City cultural arts policy.

5. Consistent with City Council policy, advocate for cultural arts with the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and Pacific Rim countries.

6. Serve as the State/Federal local arts program partner.

7. Manage the City public arts program, which shall include the following:

a. Advise on the acquisition and placement of works of art on property of the City of San Diego, except for any museum, art gallery, or City-owned performance facility.

No work of art shall be installed or existing work of art removed from public areas of City property without a review by the Commission.

b. Develop and recommend to the Mayor, City Council and City Manager:

1. Programs to promote public performances and the public exhibition of the arts.

2. Legislation to provide incentives to the public sector for inclusion of the arts in private developments.

#### **SECTION 26.07.2 DEFINITIONS**

Whenever in this division, the following words and phrases are used, they shall mean:

A. "Commission" means the City of San Diego Commission for Arts and Culture.

B. through E. - No change.

F. "Supplemental Funds" means those funds contributed by individuals, corporations, foundations, or government grants, and placed in the Fund for Public Art in addition to those funds made available under Section 26.07.3 of this ordinance which shall be used for implementing the purposes of the Percent for Art Ordinance and other public art projects recommended by the Commission for Arts and Culture and approved by the Council.

G. - No change.

H. "Public exhibition of the visual, literary, film/video arts" shall mean paintings, lithographs,

reproductions, photographs, murals, handcrafted arts, stained glass, statues, sculptures and other forms of media arts.

I. "Public performances" shall mean individual and group presentations of music, dance, theatre, opera, literary, film/video and other forms of art generally recognized.

J. "Public places" shall mean land and buildings owned by the City exclusive of City-owned performance facilities, e.g., Civic Theatre.

K. "Works of art" shall mean paintings, reproductions, photographs, murals, handcrafted arts, stained glass, statues, or other sculptures, monuments, fountains, arches and other structures of a permanent or temporary nature intended for ornament or commemoration.

#### **SECTION 26.07.4 COMMISSION FOR ARTS AND CULTURE PROCEDURES**

To carry out the Commission for Arts and Culture's duties, the Commission shall:

A. Receive and accept applications for Transient Occupancy Tax funding, and using objective criteria will evaluate the applications and recommend to the City Council the allocation of that funding.

B. Prepare and recommend for the City Council's review a Public Arts Plan and guidelines to carry out the City's art program, which shall include, but not be limited to, a method or methods for selection of artists or works of art and for the placement of works of art. Public hearings shall be held by the Commission during the preparation of the Plan and any amendments thereto.

C. Advise the City Council regarding the possible purchase of works of art or commissioning the design, execution and/or placement of works of art. The Commission shall work with the City Manager regarding the design, execution and/or placement of a work of art in connection with construction projects.

D. In the placement of art in the City, give special attention to the placement of appropriate art in the neighborhoods.

E. Receive input from the City Manager regarding operation and maintenance expenses associated with a work of art. If the City Manager finds that a proposed work of art requires extraordinary operation or maintenance expenses, the Commission shall either select another work of art, or submit with its recommendation to the City Manager and City Council a statement of overriding consideration of why the work of art should be utilized notwithstanding its extraordinary operation or maintenance expense.

F. In cooperation with the City Manager, promulgate for City Council appropriate guidelines consistent with this ordinance to facilitate the implementation of the responsibilities of the Commission and City Manager hereunder.

G. In instances of artwork to be placed in new construction projects to achieve a greater degree of artistic harmony, artists should be recommended by the Commission and confirmed by the Manager before City approval of the architect's schematic design.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage; however, the Public Arts Advisory Board shall continue to operate until June 30, 1988, under the ordinances and laws existing as of the date of passage of this ordinance.

APPROVED: John W. Witt, City Attorney

By Cristie McGuire  
Cristie McGuire  
Deputy City Attorney

CM:wk:js  
01/22/88  
Or.Dept:Mgr.  
O-88-118  
Form=o.none

OLD LANGUAGE -- ~~Crossed Out~~  
NEW LANGUAGE -- Underlined

SECTION 26.07 PUBLIC ARTS ADVISORY BOARD

COMMISSION FOR ARTS AND CULTURE

A. PURPOSE AND INTENT

It is the purpose and intent of the City Council to establish a ~~Public Arts Advisory Board~~ Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on ~~projects and programs designed to promote the arts in public places throughout the neighborhoods of the City of San Diego,~~ and to encourage the private sector to include the arts in private developments promoting, encouraging and increasing support for the arts.

It shall be the responsibility of the Commission for Arts and Culture to make all cultural arts granting recommendations for City funding to the City Council using objective criteria and evaluation panels, as appropriate.

It shall be the responsibility of the Commission for Arts and Culture to serve in an advisory capacity to the Mayor, City Council and City Manager on projects and programs designed to promote the arts in public places throughout the neighborhoods of the City of San Diego, and encourage the private sector to include the arts in private developments.



B. PUBLIC ARTS ADVISORY BOARD ESTABLISHED

COMMISSION FOR ARTS AND CULTURE ESTABLISHED

There is hereby established a Public Arts Advisory Board Commission for Arts and Culture consisting of ~~eleven (11)~~ fifteen (15) members who shall serve without compensation . At least ~~six (6)~~ members shall be persons whose professional background or experience is in the field of landscape architecture, art administration, sculpture, painting, dance, theatre, music, literature, architecture, development or education. Commission members shall be persons who represent the following areas: individual artists, arts organizations, arts patrons, educators, the business community, and the general public.

The members shall serve ~~two (2)~~ three (3) year staggered terms for a maximum of six (6) years and each member shall serve until a successor is duly appointed and confirmed. An interval of four (4) years must pass before such persons can be reappointed. The members shall be appointed by the Mayor and confirmed by the City Council , subject to the following conditions: 1) the Mayor shall appoint seven (7) members; and, 2) the Mayor shall appoint the remaining eight (8) members, one each from a list of three (3) nominations submitted by each Councilmember. The members shall be appointed in such a manner so that the terms of not more than ~~six (6)~~ five (5) members shall expire in any year. The expiration date of all terms shall be ~~July 1~~ March 31. The Board shall select from among its members a Chairperson. During April of each year, the Mayor may designate one (1)

member as chairperson; however, in the absence of such designation, the Commission shall on or after May 15 select from their members a chairperson. The Board Commission shall meet not less than once every three (3) months monthly and present quarterly reports to the Public Facilities and Recreation Committee and report to the Mayor and Council on an annual basis as-needed basis, but not less than one time per year.

The Board Commission shall adopt rules consistent with laws for the government of its business and procedures.

#### C. DUTIES AND FUNCTIONS

The Public Arts Advisory Board Commission for Arts and Culture shall:

1. Advise upon the acquisition and placement of works of art on any property of the City of San Diego, except for any museum, art gallery or City-owned performance facility. No work of art shall be installed, or existing work of art removed from public areas of City property, without a review by the Public Arts Advisory Board. The Board shall not involve itself in the process of granting public funds. Advocate strongly for a substantial increase in funds for the arts.

2. Recommend to the Mayor, City Council and City Manager all City funding decisions for the arts; directly and exclusively make all granting recommendations to City Council.

3. Explore new sources of funding for the cultural arts and evaluate the current allocation of Transient Occupancy Tax funding as it pertains to the cultural arts.

4. Develop, coordinate and regularly reevaluate a comprehensive City cultural arts policy.

5. Consistent with City Council policy, advocate for cultural arts with the City Council, as well as the private sector, local, regional, state and federal governments, and international entities, such as Mexico, Canada, Japan and Pacific Rim countries.

6. Serve as the State/Federal local arts program partner.

7. Manage the City public arts program, which shall include the following:

a. Advise on the acquisition and placement of works of art on property of the City of San Diego, except for any museum, art gallery, or City-owned performance facility. No work of art shall be installed or existing work of art removed from public areas of City property without a review by the Commission.

2. b. Develop and recommend to the Mayor, City Council and City Manager:

a. 1. Programs to promote public performances and the public exhibition of the visual arts.

b. 2. Legislation to provide incentives to the public sector for the inclusion of the arts in private developments.

c. Programs to develop federal, state and municipal funding to accomplish the purposes stated in Section A.

## B. DEFINITIONS

1. "Public exhibition of the visual arts" shall mean paintings, lithographs, reproductions, photographs, murals, handcrafted arts, stained glass, statues, sculptures, and other forms of media arts, which are presented free to the public.

2. "Public performances" shall mean individual and group presentations of music, dance, theatre, and other forms of art generally recognized which are presented free to the public.

3. "Public places" shall mean land and buildings owned by the City, exclusive of City-owned performance facilities, e.g., Civic Theatre.

4. "Works of art" shall mean paintings, reproductions, photographs, murals, handcrafted arts, stained glass, statues, or other sculptures, monuments, fountains arches and, other structures of a permanent or temporary nature intended for ornament or commemoration.

### SECTION 26.07.2 DEFINITIONS

Whenever in this division, the following words ~~or~~ and phrases are used, they shall mean:

a A. "Board Commission" means the City of San Diego Public Arts Advisory Board Commission for Arts and Culture.

b B. through e E. - No text change.

f F. "Supplemental Funds" means those funds contributed by individuals, corporations, foundations, or government grants, and placed in the Fund for Public Art in addition to those funds made available under Section 26.07.3 of this

ordinance 7 which shall be used for implementing the purposes of the Percent for Art Ordinance and other public art projects recommended by the Public Arts Advisory Board Commission for Arts and Culture and approved by the Council.

g G. - No text change.

H. "Public exhibition of the visual, literary, film/video arts" shall mean paintings, lithographs, reproductions, photographs, murals, handcrafted arts, stained glass, statues, sculptures and other forms of media arts.

I. "Public performances" shall mean individual and group presentations of music, dance, theatre, opera, literary, film/video and other forms of art generally recognized.

J. "Public places" shall mean land and buildings owned by the City exclusive of City-owned performance facilities, e.g., Civic Theatre.

K. "Works of art" shall mean paintings, reproductions, photographs, murals, handcrafted arts, stained glass, statues, or other sculptures, monuments, fountains, arches and other structures of a permanent or temporary nature intended for ornament or commemoration.

#### SECTION 26.07.4 PUBLIC ARTS ADVISORY BOARD PROCEDURE

##### COMMISSION FOR ARTS AND CULTURE PROCEDURES

To carry out the Public Arts Advisory Board's Commission for Arts and Culture's duties, the Board Commission shall:

.. ..

a A. Receive and accept applications for Transient Occupancy Tax funding, and using objective criteria will evaluate the applications and recommend to the City Council the allocation of that funding.

a B. Prepare and recommend for the City Council's review a Public Arts Plan and guidelines to carry out the City's art program, which shall include, but not be limited to, a method or methods for selection of artists or works of art and for the placement of works of art. Public hearings shall be held by the ~~Board~~ Commission during the preparation of the Plan and any amendments thereto.

b C. Advise the City Council regarding the possible purchase of works of art or commissioning the design, execution and/or placement of works of art. The ~~Board~~ Commission shall work with the City Manager regarding the design, execution and/or placement of a work of art in connection with construction projects.

e D. In the placement of art in the City, give special attention ~~will be given~~ to the placement of appropriate art in the neighborhoods.

d E. Receive input from the City Manager regarding operation ~~or~~ and maintenance expenses associated with a work of art. If the City Manager finds that a proposed work of art requires extraordinary operation of maintenance expenses, the ~~Board~~ Commission shall either select another work of art, or submit with its recommendation to the City Manager and City Council a statement of overriding consideration of why the work of art should be utilized notwithstanding its extraordinary operation or maintenance expense.

.. ..  
e F. In cooperation with the City Manager, promulgate for City Council ~~consideration~~ appropriate guidelines consistent with this ordinance to facilitate the implementation of the responsibilities of the Board Commission and City Manager hereunder.

f G. In instances of artwork to be placed in new construction projects to achieve a greater degree of artistic harmony, artists should be recommended by the Board Commission and confirmed by the Manager before City approval of the architect's schematic design.

FEB 16 1988

Passed and adopted by the Council of The City of San Diego on.....  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Charles G. Abdelnour, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

FEB 02 1988

FEB 16 1988

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

(Seal)

By Charles G. Abdelnour, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17026 Adopted FEB 16 1988



CERTIFICATE OF PUBLICATION

00364

MAR -2 A9 34

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: MAYDELL L. PONTECORVO

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, DIVISION  
7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS  
26.07, 26.07.2 AND 26.07.4 RELATING TO THE CREATION AND  
DUTIES OF A COMMISSION FOR ARTS AND CULTURE.

**ORDINANCE NUMBER O-17026 (NEW SERIES)**

**AN ORDINANCE AMENDING CHAPTER II, ARTICLE 6, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 26.07, 26.07.2 AND 26.07.4 RELATING TO THE CREATION AND DUTIES OF A COMMISSION FOR ARTS AND CULTURE.**

This ordinance amends three (3) sections of the Municipal Code to create The Commission of Arts and Culture and abolish The Public Arts Advisory Board. It prescribes the number and manner of appointment of Commission Members; it describes the Commission's duties and functions; it provides definitions to be used in Division 7, Article 6, Chapter II of the Municipal Code; and, it prescribes procedures for the Commission to follow in implementing its functions. It provides that the amendments will be effective thirty (30) days after adoption of the ordinance, however, it also provides that The Public Arts Advisory Board will continue to operate under existing laws until June 30, 1988.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

INTRODUCED ON FEBRUARY 2, 1988

Passed and Adopted by the Council of The City of San Diego on FEBRUARY 16, 1988

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, CA

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, CA

By MAYDELL L. PONTECORVO, Deputy

Pub. February 29

99849

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

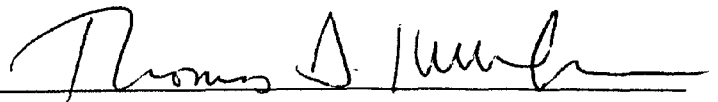
**ORDINANCE NUMBER O-17026 (NEW SERIES)**

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

FEB. 29

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29 day of FEB., 19 88.



(Signature)

32 lines x .98 = 31.36

27/8' x 2 x 10.78 = 61.98